

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND
Greenbelt Division

RoyaltyStat LLC,
Plaintiff

v.

IntangibleSpring, Corp.

and

Raul Pacheco Quintanilla

Defendants.

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Case No.: 8:15-cv-03940-GJH

Hon. Paula Xinis

**PLAINTIFF'S AMENDED COMPLAINT
PURSUANT TO THE COURT'S
JANUARY 10, 2018 MEMORANDUM OPINION AND ORDER**

Pursuant to the Court's January 10, 2018 Memorandum Opinion and Order, Dkt. 52 ("Order"), Plaintiff RoyaltyStat, LLC ("RoyaltyStat"), by and through its undersigned attorney, hereby submits its Amended Complaint to address the lone pleading issue identified in the Order, *see* Dkt. 52 at 7-8, 10, and to update other details. A clean copy of the Amended Complaint, a copy of the Amended Complaint in which stricken material has been lined through and new material has been underlined, and a copy of newly added Exhibit E are being filed herewith.

As can be seen from the Amended Complaint, Plaintiff has alleged that Defendants' false and misleading representations of fact were made in the course of offering their subscription services in interstate commerce. Amended Complaint, ¶ 51. This allegation is supported by at least the following factual averments:

1. Defendant IntangibleSpring, by and through its representative, John Di Giacomo, has declared under penalty of perjury that it has since April 1, 2013 been offering non-downloadable software for analyzing and evaluating the value of intangible property such as

royalties and license fees, the same products and services about which Defendants made the false and misleading statements of fact, in interstate commerce. *Id.*, ¶ 9.

2. IntangibleSpring hosts its website located at www.intangiblespring.com, through which its services are rendered, through a domain host located in Houston, Texas. *Id.*

3. IntangibleSpring maintains a toll-free telephone number (888-743-5498) by and through which it solicits customers and potential customers throughout the United States. *Id.*; *see also* <http://intangiblespring.com/home/contracts/>.

4. For all practical purposes, Defendant Pacheco is IntangibleSpring. Amended Complaint, ¶ 10.

Taken together with the remaining assertions that the Court has already found to be sufficient, Plaintiff has now sufficiently pled all elements of its false advertising claim against both Defendants. *See* Dkt. 52 at 6-8; *PBM Products, LLM v. Mead Johnson & Co.*, 639 F.3d 111, 126-27 (4th Cir. 2011) (upholding injunction against false statement of facts made by defendant in interstate commerce regarding comparison of parties' products).

Plaintiff therefore respectfully requests that its Amended Complaint be entered, and Defendants be required to respond within fourteen days of the date of its service of the Amended Complaint. *See* Fed. R. Civ. P. 15(a)(3).

Dated: January 17, 2018

Respectfully Submitted,

/s/ Billy B. Ruhling, II

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 17, 2018, a true and correct copy of the foregoing was electronically filed using the Court's CM/ECF system, which will automatically serve the following counsel of record:

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